GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3447
ANSWERED ON:06.12.2016
Release of Undertrial Prisoners
Chandrakasi Shri M.;Chavan Shri Harishchandra Deoram;Giluwa Shri Laxman;Mohammed Shri Faizal P.P.;Owaisi Shri Asaduddin;Sampath Shri Anirudhan;Singh Dr. Prabhas Kumar

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has recently set a deadline for the release of undertrial prisoners who have completed half of the maximum term;

(b) if so, the number of such prisoners released so far by the Union Government and the State Governments, State-wise;

(c) whether it is a fact that Union Government has no data about such inmates;

(d) if so, the reasons therefor;

(e) whether the Union Government has made use of e-Prison software while the States have no such mechanism for keeping track on the number of undertrial;

(f) if so, the steps taken or being taken by the Union Government in consultation with the States to commission e-Prison software for better coordination; and

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(g) whether there is no relaxation for grant of bail to undertrial prisoners who could not pay the bail amount and if so, the details thereof along with the steps taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a): In pursuance of the Supreme Court's directions dated 7.09.2014 in Bhim Singh Vs. UoI and others in WP (Crl.) No. 310/2005, the Government of India issued an advisory to the Home Department & DG (Prisons) of all States/UTs on 27.9.2014 to comply with the orders of the Supreme Court. The advisory is available on the Link: http://mha.nic.in /sites /upload_fiels /mha files/ Guidelines ForRreckoningHalfLife_161014pdf.

(b) to (d): As per information compiled by the National Crime Records Bureau from States/UTs at the end 2015, the number undertrial prisoners released is given in Annex.

(e) to (f): The e-Prisons Project is part of Integrated Criminal Justice System (ICJS) Project electronically linking the three systems namely, Courts, Police Stations and Prisons.
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(g): This data is not maintained centrally. "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons is primarily the responsibility of the State Governments. However, the Government of India has issued a comprehensive advisory on 17th July 2009 to the States/UTs on "Prison Administration", which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/ Special courts in prisons for expediting review of cases of undertrials. The same can be accessed on the website of the Ministry of Home Affairs at: http://mha.nic.in/sites/upload_files/mha/files/Prison
Advisories-1011.pdf

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